

REMARKS

Claims 12 and 15-18 are currently pending in the application. Claim 12 is amended. No new matter is presented. The above amendments and the following remarks are considered by Applicants to overcome each rejection raised by the Examiner and to place the application in condition for allowance. An early Notice of Allowance is therefore requested.

The Examiner requests that the disclosure of a device combining ConforCor 2 and a laser scanning microscope be submitted. In view of the Examiner's request, Applicants are obtaining a full disclosure of the requested device. However, it should be noted that the Weisshart article provides a full disclosure of the device. It should also be noted that the device as well as the Weisshart article are not proper prior art.

Claims 12 and 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 12 is amended to more clearly recite the features of the claimed invention. No new matter is presented. In view of the amendments to claim 12, Applicants request the withdrawal of the rejection of claims 12 and 15-18 under 35 U.S.C. 112.

Claims 12 and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Carl Zeiss' device combining ConfoCor2 and a laser scanning microscope.

It is submitted that the priority of the present application precedes the sale of the system combining the ConfoCor2 and a laser scanning microscope. Regardless, Applicants will submit a disclosure of this system once it received by the Applicants representative. However, it should be noted that both the Weisshart reference and the system combining the ConfoCor2 and a laser scanning microscope are not proper prior art. Therefore, Applicants request the withdrawal of the rejection of claims 12 and 15-18. In addition, Applicants request that the time for the response to this Office Action be restarted since the Office Action was mailed on September 19, 2006, and it was not received until November 3, 2006.

For the reasons presented above, claims 12, and 15-18, all the claims pending in the application, are believed by Applicants to define patentable subject matter and should be passed to issue at the earliest possible time. A Notice of Allowance is requested.

Respectfully submitted,



Gerald H. Kiel
Reg. No. 25,116

REED SMITH LLP
599 Lexington Avenue
New York, NY 10022
(P) 212-521-5400

Attorney for Applicant